

FEBRUARY 27, 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTU. S. Department of Homeland Security  
10 W. Jackson Blvd.  
Chicago, Illinois 60604

February 24, 2006

JUDGE DOW  
MAGISTRATE JUDGE KEYSThe Honorable Richard J. Durbin  
United States Senator

Attention: Camille Dowdney

Re: A73 426 275 - Desta, Tsedeke

Dear Senator Durbin,

J. N.

This is in response to your inquiry dated February 21, 2006. The United States Citizenship and Immigration Services (USCIS) Chicago District Office is responding to your inquiry regarding the status of your constituent, Tsedeke Desta. Our information shows that the background investigation conducted by the Federal Bureau of Investigations (FBI) for your constituent has not yet been completed. We may not proceed with the adjudication of the application or petition until the FBI completes their process and our records are updated with the results. It is uncertain the time-period it takes for the results to be electronically submitted to USCIS and updated in our national records.

We understand that your constituent is frustrated by the progress of his application. In order to fulfill its mission to provide immigration benefits and services to the public, USCIS must balance its obligations to the individual applicant against its obligations to the public as a whole. While we strive to process applications timely and fairly, we must also ensure that our policies and procedures will safeguard the public. Consequently, we have adopted background security check procedures that address a wide range of possible risk factors, requiring various levels of scrutiny based on the type of application under consideration.

Given the number of applications submitted and the significance of immigration benefits, it is inevitable that some applications will require more attention than others. USCIS relies primarily on three background check

mechanisms: the Interagency Border Inspection System (IBIS) name check, the FBI fingerprint check, and the FBI name check. For the vast majority of applicants, these mechanisms allow USCIS to quickly determine whether there are any criminal or security related eligibility issues. In the remaining cases, often referred to as "pending," a match of some kind has been identified and must be resolved before any decision can be made on the petition or application. USCIS does not share with applicants or their representatives information regarding the specific nature of the match or the nature or status of any investigation.

Please be assured that every case that is pending a background investigation is checked weekly for results to keep the adjudication process ongoing and timely. We are allowed to resubmit names pending over 90 days only if the name does not appear in the FBI database after 90 days of submission. If requesting an expedite processing of the background investigation your constituent must provide a written request with an explanation directed to the District Director for consideration with supporting evidence. The FBI will only expedite the processing if your constituent is in the military, an "age-out", diversity (DV) lottery winner meeting the deadline date or for compelling reasons.

Again, it is difficult to predict with accuracy when the clearance will be updated in our records. Please be assured that every effort is being made to render a final decision in a timely manner.

We appreciate your patience and understanding.

Sincerely,

F. Gerald Heinauer  
District Director

FGH: tak

**Dowdney, Camille (Durbin)**

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**Sent:** Tuesday, July 11, 2006 3:13 PM  
**To:** Dowdney, Camille (Durbin)  
**Subject:** RE: Tsedeke H. Desta / N400 / A 73 426 275

The Honorable Richard J. Durbin  
 United States Senator  
 230 S. Dearborn, Suite 3892  
 Chicago, IL 60604  
 Attn: Camille Dowdney

The United States Citizenship and Immigration Services (USCIS) Chicago District Office is responding to your inquiry regarding the status of your constituent, Tsedeke H. Desta (A 73 426 275), case for, citizenship. Our information shows that the background investigation conducted by the Federal Bureau of Investigations (FBI) for your constituent has not yet been completed. We may not proceed with the adjudication of the application or petition until the FBI completes their process and our records are updated with the results. It is uncertain the time-period it takes for the results to be electronically submitted to USCIS and updated in our national records.

We understand your frustration in the delaying of the decision, however, in order to fulfill USCIS mission to provide immigration benefits and services to the public, we must balance our obligations to the individual applicant against our obligations to the public, as a whole. While we strive to process applications timely and fairly, we must also ensure that our policies and procedures will safeguard the public. Consequently, we have adopted background security check procedures that address a wide range of possible risk factors, requiring various levels of scrutiny based on the type of application under consideration.

Given the number of applications submitted and the significance of immigration benefits, it is inevitable that some applications will require more attention than others. USCIS relies primarily on three background check mechanisms: the Interagency Border Inspection System (IBIS) name check, the FBI fingerprint check, and the FBI name check. For the vast majority of applicants, these mechanisms allow USCIS to quickly determine whether there are any criminal or security related eligibility issues. In the remaining cases, often referred to as "pending," a match of some kind has been identified and must be resolved before any decision can be made on the petition or application. USCIS does not share with applicants or their representatives information regarding the specific nature of the match or the nature or status of any investigation.

Please be assured that every case that is pending a background investigation is checked weekly for results to keep the adjudication process ongoing and timely. We are allowed to resubmit names pending over 90 days only if the name does not appear in the FBI database after 90 days of submission. If requesting an expedite processing of the background investigation your constituent must provide a written request with an explanation directed to the District Director for consideration with supporting evidence. The FBI will only expedite the processing if your constituent is in the military, an "age-out", diversity (DV) lottery winner meeting the deadline date or for compelling reasons.

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be assured that every effort is being made to render a final decision in a timely manner.

We appreciate your patience and understanding.

Congressional Liaison  
USCIS Chicago

7/31/2006

**Exhibit K, pg 2 of 2**

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**Dowdney, Camille (Durbin)**

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**Sent:** Monday, January 08, 2007 10:21 AM  
**To:** Dowdney, Camille (Durbin)  
**Subject:** RE: Tsedeke Desta / N400 / A 73 426 275

The Honorable Senator Richard J. Durbin  
United States Congress  
Attn: Camille Dowdney

This is in response to your inquiry dated January 5, 2007. The United States Citizenship and Immigration Services (USCIS) Chicago District Office is responding to your inquiry regarding the status of your constituent, Tsedeke Desta A 73 426 275. Our information shows that the background investigation conducted by the Federal Bureau of Investigations (FBI) for your constituent has not yet been completed. We may not proceed with the adjudication of the application or petition until the FBI completes their process and our records are updated with the results. It is uncertain the time period it takes for the results to be electronically submitted to USCIS and updated in our national records.

Please be assured that every case that is pending a background investigation is checked weekly for results to keep the adjudication process ongoing and timely. We are allowed to resubmit names pending over 90 days only if the name does not appear in the FBI database after 90 days of submission. If requesting an expedite processing of the background investigation your constituent must provide a written request with an explanation directed to the District Director for consideration with supporting evidence. The FBI will only expedite the processing if your constituent is in the military, an "age-out", diversity (DV) lottery winner meeting the deadline date or for compelling reasons.

Again, it is difficult to predict with accuracy when the clearance will be updated in our records. Please be assured that every effort is being made to render a final decision in a timely manner.



Ruth A. Dorochoff  
District Director

Exhibit L

1/8/2007

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